

REMARKS

The Office Action mailed January 25, 2006, has been carefully considered. In response thereto, the present application has been amended in a manner which is considered to place it into consideration for allowance. Accordingly, reconsideration and withdrawal of the outstanding Office Action and issuance of a Notice of Allowance are respectfully solicited in view of the foregoing amendments and the following remarks.

Claims 1, 3-7, 9-13, and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,633,238 (*Lemelson*). Claims 2, 8, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the patent to *Lemelson*. In response, claim 1 has been amended to recite a vehicle data bus. That limitation was already recited in originally filed claim 10. With regard to amended claims 1-9 and original claims 10-16, the Applicant respectfully traverses.

The Applicant respectfully submits that such a limitation distinguishes over the portions of the reference which the Office Action cites for that feature. The signal and control circuitry of Fig. 6 of the reference does not have to include a vehicle data bus, but can instead be a separately installed system, such as the stand-alone systems described on page 3 of the present application. Therefore, absent impermissible hindsight, the reference cannot be read on that claim limitation.

Further, with regard to claim 15, the Applicant respectfully traverses both the official notice and the rationale for obviousness. The Office Action alleges that “use of received processed data being conveyed to a vehicle engine control processor is well known....” However, under MPEP § 2144.03 and the cases cited therein, prior art may be officially noticed only when it is “capable of instant and unquestionable demonstration as being well-known.” In particular, “assertions of technical facts in the areas of esoteric technology or specific knowledge

of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.”

Under the above standard, the taking of official notice in the outstanding Office Action is invalid, since the officially noticed subject matter does not rise to the level of indisputability required for official notice. Therefore, the Applicant respectfully requests that the Office cite a reference to that effect.

Also, even if such a feature were known in the art, the Office Action presents no reason why a person having ordinary skill in the art who had reviewed the applied reference would have been motivated to adapt the vehicle traffic warning controller of the reference to control the vehicle engine. The Office Action alleges that “it would have facilitated providing control signals to various components of the vehicle, including the vehicle engine”; however, the Office Action does not present reasons why a person having ordinary skill in the art would have been motivated to facilitate any such thing.

Therefore, the present claimed invention is deemed to be patentable over the prior art of record. Early and favorable consideration is earnestly solicited.

If there remain any questions that can be addressed and overcome through a telephone communication, the Examiner is invited to telephone the undersigned at the telephone number set forth below.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00451). It is respectfully submitted that no Petition for Extension of Time is required to accompany the present Amendment. However, in the event that a separate Petition for an Extension of Time is required to render this submission timely and either does not accompany this Amendment or is insufficient to render this Amendment timely,

the Applicants herewith petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,



By:

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